

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 21, 2011

**SENATE BILL**

**No. 257**

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**Introduced by Senator Liu**

February 10, 2011

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An act to amend ~~Section 44663~~ Sections 44661.5 and 44662 of the Education Code, relating to certificated *school* employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 257, as amended, Liu. Certificated *school* employees: evaluation and assessment.

*(1) Existing law provides that when developing and adopting objective evaluation and assessment guidelines for certificated employees, a school district may, by mutual agreement between the exclusive representative of the certificated employees of the school district and the governing board of the school district, include certain standards.*

*This bill would encourage these evaluation and assessment guidelines to include specific information relating to current best teaching practices in all subject areas, as well as information relating to objectively training evaluators on current best teaching practices in all subject areas.*

**Existing**

*(2) Existing law requires the governing board of a school district to evaluate and assess the performance of certificated employees as it reasonably relates to the progress of pupils towards the standards of expected pupil achievement established by the governing board, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment*

of a suitable learning environment. ~~Existing law requires that an evaluation and assessment made pursuant to these provisions be reduced to writing and a copy be transmitted to the certificated employee not later than 30 days before the last schoolday scheduled on the school calendar adopted by the governing board for the school year in which the evaluation takes place.~~

~~Existing law requires that for a certificated noninstructional employee who is employed on a 12-month basis, a copy of this evaluation and assessment be transmitted to the employee no later than June 30 of the year in which the evaluation and assessment is made.~~

~~This bill would change this date from June 30 to July 1.~~

~~This bill would authorize school districts to incorporate additional criteria into the evaluation of certificated employees, including: (A) pupil progress during a school year or, as applicable, during multiple school years, toward statewide academic content standards or common core academic standards in language arts and mathematics, comprising no more than 25% of the evaluation; and (B) pupil and parent or guardian input, comprising no more than 5% of the evaluation. The bill would authorize a school district, prior to issuing a final evaluation, to conduct multiple observations by trained evaluators and peers with the opportunity for constructive feedback and professional development.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that would address the following issues relating to the
- 3 evaluation and assessment of certificated employees:
- 4 (a) All aspects of teacher and school district effectiveness to
- 5 ensure that an overhaul of the state's current system is
- 6 comprehensive enough to attract, develop, retain, and support
- 7 effective teachers and administrators.
- 8 (b) The role of teachers, as well as teams of teachers,
- 9 administrators, and district systems that are responsible for creating
- 10 a high performing culture of learning.
- 11 (c) A fair and transparent assessment and evaluation system
- 12 that respects the confidentiality of individual performance
- 13 evaluations and due process.

1 (d) The use of successful and tested practices to set a foundation  
2 for practical reforms that can be tailored to fit the needs of  
3 California schools, recognizing the complexities of teaching and  
4 school performance and the myriad issues that contribute to the  
5 overarching goal of improving pupil achievement.

6 (e) Policy changes at the state level that allow for local flexibility  
7 while ensuring access to programs and content that meet the needs  
8 of all pupils in the state.

9 (f) The means by which various measures of accountability can  
10 be incorporated into a support structure for the improvement of  
11 teacher and school district effectiveness, including a clear and  
12 improved method for dismissal of administrators and teachers who  
13 do not make improvements or meet the expectations of the process.

14 (g) An evaluation and assessment system that assists teachers  
15 in developing their skills and positively impacting pupil  
16 achievement, including a reasonable approach to including pupil  
17 performance data, as well as pupil and parent feedback and peer  
18 input.

19 (h) An evaluation and assessment system that allows for teacher  
20 development activities that provide support structures and allow  
21 teachers to grow throughout their careers.

22 (i) The role of administrators in effective teacher evaluation and  
23 assessment, including, but not limited to, training in evaluation  
24 methods and processes.

25 ~~SEC. 2. Section 44663 of the Education Code is amended to~~  
26 ~~read:~~

27 ~~44663. (a) Evaluation and assessment made pursuant to this~~  
28 ~~article shall be reduced to writing and a copy thereof shall be~~  
29 ~~transmitted to the certificated employee not later than 30 days~~  
30 ~~before the last schoolday scheduled on the school calendar adopted~~  
31 ~~by the governing board for the school year in which the evaluation~~  
32 ~~takes place. The certificated employee shall have the right to~~  
33 ~~initiate a written reaction or response to the evaluation. This~~  
34 ~~response shall become a permanent attachment to the employee's~~  
35 ~~personnel file. Before the last schoolday scheduled on the school~~  
36 ~~calendar adopted by the governing board for the school year, a~~  
37 ~~meeting shall be held between the certificated employee and the~~  
38 ~~evaluator to discuss the evaluation.~~

39 ~~(b) In the case of a certificated noninstructional employee, who~~  
40 ~~is employed on a 12-month basis, the evaluation and assessment~~

1 made pursuant to this article shall be reduced to writing and a copy  
2 thereof shall be transmitted to the certificated employee no later  
3 than July 1 of the year in which the evaluation and assessment is  
4 made. A certificated noninstructional employee, who is employed  
5 on a 12-month basis, shall have the right to initiate a written  
6 reaction or response to the evaluation. This response shall become  
7 a permanent attachment to the employee's personnel file. Before  
8 July 30 of the year in which the evaluation and assessment takes  
9 place, a meeting shall be held between the certificated employee  
10 and the evaluator to discuss the evaluation and assessment.

11 SEC. 2. Section 44661.5 of the Education Code is amended to  
12 read:

13 44661.5. When developing and adopting objective evaluation  
14 and assessment guidelines pursuant to Section 44660, a school  
15 district may, by mutual agreement between the exclusive  
16 representative of the certificated employees of the school district  
17 and the governing board of the school district, include any objective  
18 standards from the National Board for Professional Teaching  
19 Standards or any objective standards from the California Standards  
20 for the Teaching Profession if the standards to be included are  
21 consistent with this article. If the certificated employees of the  
22 school district do not have an exclusive representative, the school  
23 district may adopt objective evaluation and assessment guidelines  
24 consistent with this section. *Additionally, these evaluation and*  
25 *assessment guidelines are encouraged to include specific*  
26 *information relating to current best teaching practices in all subject*  
27 *areas, as well as information relating to objectively training*  
28 *evaluators on current best teaching practices in all subject areas.*

29 SEC. 3. Section 44662 of the Education Code is amended to  
30 read:

31 44662. (a) The governing board of each school district shall  
32 establish standards of expected pupil achievement at each grade  
33 level in each area of study.

34 (b) The governing board of each school district shall evaluate  
35 and assess certificated employee performance as it reasonably  
36 relates to:

37 (1) The progress of pupils toward the standards established  
38 pursuant to subdivision (a) and, if applicable, the state adopted  
39 academic content standards as measured by state adopted criterion  
40 referenced assessments.

1 (2) The instructional techniques and strategies used by the  
2 employee.

3 (3) The employee's adherence to curricular objectives.

4 (4) The establishment and maintenance of a suitable learning  
5 environment, within the scope of the employee's responsibilities.

6 *(c) In addition to the criteria measured pursuant to subdivision*  
7 *(b), a school district may evaluate and assess certificated employee*  
8 *performance according to the following:*

9 *(1) As it reasonably relates to the progress of pupils toward the*  
10 *statewide academic content standards adopted pursuant to Section*  
11 *60605 or the common core academic standards in language arts*  
12 *and mathematics adopted pursuant to Section 60605.8. If a school*  
13 *district elects to evaluate certificated employees pursuant to this*  
14 *paragraph, pupil data used pursuant to this paragraph shall not*  
15 *constitute more than 25 percent of the total evaluation, and the*  
16 *progress of pupils toward the standards shall be measured by the*  
17 *following:*

18 *(A) Pupil progress and growth during the school year, and, if*  
19 *applicable, multiple school years. It is the intent of the Legislature*  
20 *that assessments occur, at a minimum, at the beginning and end*  
21 *of each school year.*

22 *(B) Additional data from locally developed pupil assessments,*  
23 *as adopted by the governing board of the school district.*

24 *(2) Pupil and parent or guardian input, as appropriate. For*  
25 *purposes of this paragraph, the governing board of a school district*  
26 *may develop grade-level and subject-appropriate surveys on*  
27 *certificated employees. Data attained pursuant to this paragraph*  
28 *shall not constitute more than 5 percent of the total evaluation.*

29 ~~(e)~~

30 *(d) The governing board of each school district shall establish*  
31 *and define job responsibilities for certificated noninstructional*  
32 *personnel, including, but not limited to, supervisory and*  
33 *administrative personnel, whose responsibilities cannot be*  
34 *evaluated appropriately under the provisions of subdivision (b)*  
35 *and shall evaluate and assess the performance of those*  
36 *noninstructional certificated employees as it reasonably relates to*  
37 *the fulfillment of those responsibilities.*

38 ~~(d)~~

39 *(e) Results of an employee's participation in the Peer Assistance*  
40 *and Review Program for Teachers established by Article 4.5*

1 (commencing with Section 44500) shall be made available as part  
2 of the evaluation conducted pursuant to this section.

3 ~~(e)~~

4 (f) The evaluation and assessment of certificated employee  
5 performance pursuant to this section shall not include the use of  
6 publishers' norms established by standardized tests.

7 (g) *Prior to issuing a final evaluation, the school district may*  
8 *conduct multiple observations by trained evaluators and peers*  
9 *with the opportunity for constructive feedback and professional*  
10 *development.*

11 ~~(f)~~

12 (h) Nothing in this section shall be construed as in any way  
13 limiting the authority of school district governing boards to develop  
14 and adopt additional evaluation and assessment guidelines or  
15 criteria.